

REMARKS

Claims 1-2, 4-5, 7-12, 14-17, 19, and 21-23 are pending.

Claims 3, 6, 9, 13, 18, and 20 have been cancelled, without prejudice.

Claim 24 has been added.

In the Office Action dated August 31, 2010, claim 12 was rejected under 35 U.S.C. § 101; claim 12 was rejected under 35 U.S.C. § 112, ¶ 1; claims 1-2, 4-5, 7-8, 10-11, and 22-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,155,502 (Galloway) in view of U.S. Patent No. 7,573,817 (Davies); claims 13-15 and 19-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Galloway in view of Davies and further in view of U.S. Patent No. 6,901,052 (Buskirk).

SUMMARY OF TELEPHONIC INTERVIEW

In a telephonic interview between Examiner Man Phan and the undersigned on November 23, 2010, it was confirmed that the present Office Action is a non-final Office Action despite the indication on page 10 of the Office Action that the Office Action was made final. The Examiner confirmed that the indication of finality should be ignored.

REJECTIONS UNDER 35 U.S.C. §§ 101 AND 112, ¶ 1

Claim 12 has been amended as suggested by the Office Action on page 3. Therefore, withdrawal of the § 101 rejection and § 112, ¶ 1, rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Applicant acknowledges the indication that claims 9 and 16-18 contain allowable subject matter. The subject matter of claim 9 has been incorporated into claim 1 to place claim 1 in condition for allowance. The subject matter of claim 18 has been incorporated into base claim 10 to place claim 10 in condition for allowance. Claims 16 and 17 have been amended from dependent form to independent form to place claims 16 and 17 in condition for allowance.

It is noted that no prior art rejection was raised against claim 12. In view of the amendment to overcome the § 101 and § 112 rejections, it is respectfully submitted that claim 12 is in condition for allowance. Claim 12 has been amended to further clarify that the upstream services policer analyzes the first traffic unit according to a first policy regarding processing of

data traffic received by the upstream services policer. Claim 12 further recites that the downstream services policer processes data traffic received by the downstream services policer according to a second, different policy. None of the cited references, including Galloway, Davies, and Buskirk, discloses such a combination of upstream and downstream services policers that interact in the recited manner.

Therefore, claim 12 is clearly allowable over the cited references.

Independent claim 14 was rejected as purportedly obvious over Galloway, Davies, and Buskirk. In the rejection of claim 14 on page 7 of the Office Action, the Office Action did not address the language in claim 14 that specifies that the third services policer is configured to afford a higher priority to traffic units received from the first services policer than to traffic units received from the second services policer. The rejection of claim 14 on page 7 of the Office Action referred to the language of claim 13, regarding the amending of a traffic unit resulting in an amended traffic unit. However, such subject matter is not recited in claim 14.

In the rejection of claims 20 and 21, the Office Action argued that Buskirk discloses that a downstream services policer affords a higher priority to traffic units received from the second upstream services policer than to traffic units received from the first upstream services policer. 08/31/2010 Office Action at 8. Specifically, the Office Action cited Fig. 6, column 6, lines 8+, and column 9, lines 59+. Fig. 6 of Buskirk depicts a policing module 600. Buskirk, 9:60. The policing module 600 processes N flows, where each flow is treated by the policing module 600 independent of other flows. *Id.*, 9:61-65. However, the processing of N flows independently by the policing module 600 does not provide any teaching or hint of a third services policer that receives traffic units **from respective first and second services policers**, where traffic units received from one services policer are afforded higher priority than traffic units received from another services policer.

Column 6 of Buskirk refers to provision of QoS for packets transmitted through a network. QoS is provided to prioritize certain flows over other flows based on some criteria. *Id.*, 6:11-13. However, the prioritizing of different flows does not constitute a services policer receiving output from multiple other services policers and affording a higher priority to traffic units **from one services policer** over traffic units received **from another services policer**.

Therefore, it is respectfully submitted that the hypothetical combination of Galloway, Davies, and Buskirk would not have led to the subject matter of claim 14. Thus, it is respectfully submitted that claim 14 is non-obvious over Galloway, Davies, and Buskirk.

Dependent claims are allowable for at least the same reasons as corresponding base claims. In view of the allowability of base claims, the obviousness rejection of dependent claims has also been overcome.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (15791ROUS02U).

Respectfully submitted,

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